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AMIN & TUROCY, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

EXAMINER
SHANG, ANNAN Q

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/650,481
Filing Date: August 29, 2000
Appellant(s): WONG ET AL.

MAILED

JAN 27 2005

Technology Center 2600

Himanshu S. Anim
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed October 01, 2004.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

The brief does not contain a statement identifying the related appeals and

interferences which will directly affect or be directly affected by or have a bearing on the

decision in the pending appeal is contained in the brief. Therefore, it is presumed that

there are none. The Board, however, may exercise its discretion to require an explicit

statement as to the existence of any related appeals and interferences.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection

contained in the brief is correct.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

The rejection of claims 1-4, 7-9, 13, 16, 18-19, 20-23 and 25-26 stand or fall

together because appellant's brief does not include a statement that this grouping of

claims does not stand or fall together and reasons in support thereof. See 37 CFR

1.192(c)(7).

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   Prior Art of Record

6,374,406   HIRATA   04-2002

(10)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4,7-9,13,16,18-19, 20-23,25-26 rejected under 35 U.S.C. 102(e) as

being anticipated by **Hirata (6,374,406)**.

As to claim 1, **Hirata** discloses a system for controlling an electronic device via a

control command signal contained in an electronic mail message. Hirata particularly

discloses terminals that can be connected locally to a LAN or across the Internet (co1.5

1n.31-35). Hirata also particularly discloses passing parameters within the email for

recording a video program (co1.5 1n.55-64) as claimed.

As to claim 2, the claimed operative association between the token and message

component is met by the references disclosure of the email transmission to reserve a

recording on the video deck (col. 5 ln. 14-17).

As to claim 3, the claimed "text email message" is met by the text within the

email body in Figure 3.

As to claim 4, the claimed "elements identifying sufficient characteristics of the

corresponding program" to record the program is met by the date, time and channel

parameters within the email (col. 5 1n. 50-54).

As to claim 7, the claimed "computers not having a direct connection," is met by the indirect connection (across the Internet) of the terminals of Figure 3.

Claim 8 is met by that discussed above for claim 1.

As to claim 9, the claimed text component operatively associated to the message component is met by the control command text in the body of the email (fig. 3).

Claim 13 is met by that discussed above for claim 4.

As to claim 16, Hirata discloses an email message (fig.3) and an operatively associated token (in this case, a control command signal), including program criteria (col. 5 1n. 51-54 & 6064).

As to claim 18, the claimed email message addressed "to an address associated with a remote computer and sending the message" is met by the email of Figure 3 and the terminals 1-1 and 1-4 in Figure 1 (col.5 ln.14-17).

As to claim 19, the claimed program criteria containing sufficient characteristics to record the program is met by the time, date, and channel criteria within the control command string (col.5 1n.55-64).

Claim 20 is met by that discussed above for claim 1.

Claim 21 is met by that discussed above for claim 19. Claim 22 is met by that discussed above for claim 1.

Claim 23 is met by that discussed above for claim 19. Claim 25 is met by that discussed above for claim 18.

Claim 26 is met by that discussed above for claim 19.

Claims 5-6,10-12,14-15,17,24 rejected under 35 U.S.C. 103(a) as being unpatentable over Hirata.

As to claim 5, **Hirata** discloses everything, as described above, except the "universal program identifier". However the examiner gives official notice that it is notoriously well known in the art of video recording to use a universal program identifier for the purpose of identifying a program for recording.

Therefore it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use the universal program identifier to identify a program for recording for the purpose of minimizing the need to remember the time and channel of a particular program for recording.

As to claim 6, the claimed inclusion of "a plurality of program characteristics that identify different aspects of the corresponding program" is met by the program date, time and channel parameters passed in the email (col.5 1n.50-54).

As to claim 10, the reference discloses everything, as described above, except the inclusion of the token in an attachment to the email. However the examiner gives official notice that it is notoriously well known in the art of electronic mail to use an attachment for the purpose of transporting executable commands.

Therefore it is submitted that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use an attachment to transport the control command string for the purpose of separating executables from the text portion of messages.

As to claim 11, the reference discloses discrete computer terminals and addressing the message to the client (fig.3) as claimed. As to the client receiving the email from a server, the client/server relationship is inherent within the email protocols used over the Internet.

As to claim 12, the reference particularly discloses the use of a text email message (fig.3).

Claim 14 is met by that discussed above for claim 5.

As to claim 15, the claimed "plurality of program characteristics that identify different aspects of the corresponding program" is met by the date, time and channel parameters within the email (col.5 1n.50-54).

Claim 17 is met by that discussed above for claim 10.

Claim 24 is met by that discussed above for claim 10.

(11)   Response to Argument

As to Appellant's argument that the rejection of claims 1-4, 7-9, 13, 16, 18-19, 20-23 and 25-26 as being anticipated by Hirata is not well founded because Hirata "does not disclose a token having a schema," and further explains that "a token schema is a data structure," and that "The token having a schema is adapted to be transmitted, for example, to recording system to program the system to record an audio and/or visual program," (pages 5-7 of appellant's arguments).

In response, examiner respectfully disagrees, and maintains that Hirata's teachings of providing an electronic mail, which holds control commands to reserve a

recording, transmitted over a network to identify a specific recording device, program

and enable recording, is indeed a schema or data structure with a plurality of fields,

holding different types of data (col. 5, lines 14-35 and 55-64), necessary to perform a

plurality of functions to enable the recording of a specific program based on the data

contained in the fields. Although Hirata's does not explicitly use the word "schema,"

which appellant defines as data structure, plurality of fields, different types of data, etc.,

the fact remains that Hirata's e-mail is a data structure, specifies fields or column and

row locations for date, channel, time, etc., each field performing a specific function, and

these fields when extracted enables a specific program to be recorded, on the specified

date, channel, time, speed, etc.

Appellant further continues to argue limitations which are not being claimed, In

response to applicant's argument that the references fail to show certain features of

applicant's invention, it is noted that the features upon which applicant relies (i.e., "e-

mails of Hirata being limited to facilitating only one type of function, whereas a token

having a schema holds different types of data that can facilitate more than one

function," 'pages 5-7 of appellant's arguments') are not recited in the rejected claim(s).

Although the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See In re Van Geuns, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

Notwithstanding the features not being claimed, Hirata's e-mail data, i.e., date

data, channel data, time data and speed data, are different types of data that perform

different functions. In other words, the date data identifies the year, month and day; the

channel data identifies channels; the time data identifies a start time, an end time (col.

6, lines 40-55 and col. 7, lines 11-45); and furthermore Hirata's e-mail data can perform

multiple video reservations (fig. 10 and col. 9, lines 5-13). Hence the e-mail data

structure is functionally equivalent to the token as claimed, which is transmitted over a

network, travels between devices, identifies a device and a specific program to be

recorded, the channel, date, time, speed, etc., and performs the necessary recording of

the program based on the stored data structure or fields, performing one or more

functions. Hence the rejection of claims 1-4, 7-9, 13, 16, 18-19, 20-23 and 25-26, using

Hirata is proper as Hirata meets all claimed limitations and should be sustained.

With respect to claims 5-6, 10-12, 14-15, 17 and 24 which stand rejected under

35 U.S.C. 103(a) as unpatentable over Hirata, appellant further argues that the cited

prior art does not teach or suggest the claimed invention as a whole, i.e., a token having

a schema, and requests reversal of the rejection for these reasons (pages 7-8 of
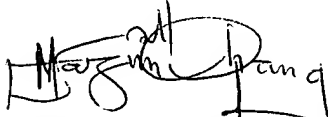
appellant's arguments).

In response, examiner respectfully maintains that Hirata teaches the claimed

limitations as discussed above, hence, examiner respectfully maintains that the

rejection is proper and should be sustained.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Annan Q. Shang
January 24, 2005

Conferees

Annan Q. Shang

John W. Miller

JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

CHRIS GRANT
PRIMARY EXAMINER

Chris Grant

AMIN & TUROCY, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114